

REMARKS

Re-examination and reconsideration of the subject matter identified in caption, consistent with 37 C.F.R. § 1.112, and in light of the remarks which follow, are respectfully requested.

Claims 1-20 remain pending in this application. Claims 1, 4 and 11-15 stand withdrawn from consideration on the merits. Upon the allowance of the product claims, Applicants request that claims 1, 4 and 11-15 be rejoined in accordance with M.P.E.P. § 821.04.

Claims 3, 5-7, 16, 17 and 20 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,200,404 to Andersen et al. for the reasons set forth in paragraphs (4) and (8)-(10) of the Office Action. Reconsideration of this rejection is respectfully requested for at least the reasons which follow.

The present claims are directed to a strippable wall covering based on a coated glass fiber fabric. The fabric may be non-woven. As described on page 4 of the specification, the non-woven fabric may be prepared by well-known processes such as those set forth in the patents cited in paragraph [0017]. Those of ordinary skill in this art are well-aware of what constitutes a non-woven fabric.

The sheet products disclosed in Andersen et al. '404 are obviously not fabrics as that term is understood by those of ordinary skill in this art. The products disclosed in this patent are fiber-reinforced sheets; the products are never referred to as "fabrics". It is evident from the definition of nonwoven fabric supplied by the Examiner that the assembly of textile fibers is primarily composed of a network of fibers bound by a minor proportion of binder. The uses of the nonwoven fabric disclosed in the Complete Textile Glossary are consistent with a fabric. It is hard to conceive of the fiber-reinforced sheets of Andersen et al. '404 being used as hospital sheets, napkins, diapers and the like.

Applicants note that the definition of a fabric in class 442, subclass 1, excludes fiber-reinforced products where the fibers are present as filler material. The sheets of Anderson et al. '404 are fiber-reinforced products and not fabrics.

In summary, the presently claimed products are coated fabrics; the products of the cited reference are not fabrics, they are fiber-reinforced sheets. Accordingly, the § 102(e) rejection over Andersen et al. '404 should be reconsidered and withdrawn and such action is earnestly requested.

Claims 2, 3, 5-10 and 17-19 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,337,104 to Draxo et al. in view of U.S. Patent No. 4,783,354 to Fagan for the reasons given in paragraph (5) of the Office Action. Reconsideration and withdrawal of this rejection is respectfully requested for at least the following reasons.

Initially, Applicants point out that Draxo et al. '104 is based on a U.S. Application filed June 7, 2000 while the present application has an effective filing date of April 7, 2000 based on Provisional Application Serial No. 60/195,382. Moreover, Draxo et al. '104 is assigned to Johns Manville Europe GmbH, the same assignee of the present application. The present application and the Draxo et al. Patent No. 6,337,104, at the time the present invention was made, were owned by or subject to an obligation of assignment to the same owner, namely Johns Manville Europe GmbH.


Based on these facts and pursuant to 35 U.S.C. § 103(c), Draxo et al. '104 is disqualified as prior art when applied in a rejection under 35 U.S.C. § 103(a) via § 102(e). Note M.P.E.P. § 706.02(1)(1) and (2). Accordingly, the § 103(a) rejection based on Draxo et al. '104 in view of Fagan '354 should be withdrawn and such action is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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